IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

CRP.No. 628 of 2004()

OP(ELE)70/1999 of ADDL. DISTRICT COURT, PATHANAMTHITTA

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REVISION PETITIONER: RESPONDENT.

POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE, NAGIARKULANAGARA, KAYAMKULAM,
REP. BY ITS MANAGER.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENT: PETITIONER.

BINU.G. D/O.OMANAMMA, BINU BHAVAN,
(VATTAKKALAYIL), CHOORAKKODU, ERATHU VILLAGE,
ADOOR TALUK.

BY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/12/2007 ALONG WITH CRP.NO.664 OF 2004, CRP.NO.701 OF 2004 AND CRP.NO.1061 OF 2004, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

M.N.KRISHNAN, J

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C.R.P. Nos. 628,664,701 & 1061 OF 2004

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Dated this the 18th day of December 2007

O R D E R

C.R.P.No.1061 of 2004 is preferred against the order of the Addl.District Court, Pathanamthitta in O.P.(EA)No.323 of 1998. In O.P. (EA)No.323 of 1998, the court below has granted a total compensation of Rs.7,725/- and the total extent of land is taken as 18.30 cents. Rs.250/- is considered to be the 25% diminution of land value and therefore awarded Rs.4,575/- as compensation for 18.30 cents. The extent of the property occupied by the tower is taken as 4.20 cents and Rs.750/- is considered to be the 75% diminution of land value and it is calculated at Rs.3,150/-. Therefore the total compensation is fixed at Rs.7,725/-. The land value per cent is fixed at Rs.1,000/- which is extremely reasonable and therefore there is no ground to interfere with the decision taken by the court below. C.R.P. No.1061 is therefore dismissed.

2. C.R.P.No.701 of 2004 is preferred against the order in O.P.(EA) No.100 of 1999 of the Addl.District Court, Pathanamthitta whereby the Addl.District Judge has awarded an additional compensation of Rs.2,175/-,

i.e. Rs.1,200/- for the land value and Rs.975/- for the trees cut. The court found that two coconut trees cut were aged 5 years and they were not yielding. The court found that additional compensation has to be awarded and granted Rs.975/-. So far as diminution of land value is concerned, the court found that 2 cents of property had been affected and awarded Rs.1,200/-. So the compensation awarded is only reasonable and C.R.P.No.701/2004 is dismissed.

3. C.R.P.No.664 of 2004 is preferred against the order in O.P.(EA) No.192 of 1999 of the Addl.District Court, Pathanamthitta, whereby the court has awarded a compensation of Rs.10,800/- on the basis that the property affected is 18 cents and the market value per cent is Rs.2,400/- and the diminution of the land value at 25% is Rs.600/-. The court has rejected the evidence of the plaintiff that the land value will be Rs.25,000/- per cent. The court considered the materials available and also found that 27 trees and certain saplings including 27 rubber saplings were cut and so calculated the affected area as 18 cents. The approach of the court below is perfectly legal and there is no ground to interfere with the same. Hence C.R.P.No.664/2004 is dismissed.

4.C.R.P.No.628 of 2004 is preferred against the order of the Addl. District Court, Pathanamthitta in O.P.(EA)No.70 of 1999, whereby the court

below has awarded an additional compensation of Rs.12,000/- with 9% interest. It found that the extent of the property affected by the drawing of electric line is 16 cents and 25% of the land value is fixed at Rs.750/- and awarded an additional compensation of Rs.12,000/- The court fixed the land value at Rs.3,000/-. The court had discussed the evidence and also the documents produced as Ext.A2 and held that the properties of the petitioner is 1 km. away from Ext.A2 property and therefore fixed the land value at Rs.3,000/-. It cannot be said that it is on the higher side. Therefore there is no illegality or irregularity in the order passed by the court below. Therefore C.R.P.No.628/2004 lacks merit and it is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-